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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21197 of 2020 (O&M)

Date of decision: 31.07.2020

Joginder @ Nikka

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K, Lathwal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of interim bail to the petitioner in FIR No.589 dated 14.07.2018 registered under Sections 302, 120-B, 34 IPC and 25 of the Arms Act, at Police Station Assandh, Karnal.

The report of the Medical Officer, District Jail, Sonapat, reads as under:-

“Report- Regarding medical treatment and present health status of inmate patient Joginder @ Nikka son of Satpal Respected Sir, Inmate patient Joginder @ Nikka son of Sh. Satpal transferred from District Jail Rohtak to District Jail Sonipat dated 28.01.2020. After entering this jail he was examined by medical officer of District Jail Sonipat. At the time of entry in jail, he did not report about any illness or previous history of any treatment to jail medical officer. During his stay at jail, he visited jail hospital for different kind of complaint like pain in legs, allergy, rash etc. and was given treatment accordingly by jail medical officer and specialist doctors from Civil

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Hospital during their jails visits on weekly basis.

On dated 01.07.2020, I Dr.Ashish Tyagi, M.O. District Jail Sonipat personally examined the inmatepatient UT Joginder @ Nikka son of Satpal. He complains of both legs pain since one month. He gives A/H/O both legs Femoral implants approx 3 years back at PGIMS, Rohtak. No documents available for the same. He was given Symptomatic treatment by me. He is now being referred to higher centre to rule out radiological evidence of any infection and ortho opinion for requirement of implant removal. Specialist doctor also visit jail hospital weekly for the examination of inmates patients in District Jail Sonipat. In future if required he will be referred to any higher centre for treatment.”

Counsel for the petitioner has argued that in fact the petitioner need urgent medical care. It is further submitted that even on merits, 04 persons namely Khabaar @ Revinder, Raj Kumar @ Michal, Surender and Sanju were named in the FIR with the role attributed to them. It is also submitted that there is a specific allegation that the co-accused – Khabaar has fired a shot on the chest of the deceased Shripal.

Counsel for the petitioner has also submitted that the petitioner was arrested in some other case i.e. FIR No.356 dated 22.07.2018 registered under Section 25 of the Arms Act at Police Station Bari, Jhajjar and the police after recording his own disclosure statement in custody, nominated him in the present FIR.

Counsel for the petitioner has, thus, argued that in view of the allegation against the petitioner, granting of interim bail to the petitioner on medical ground is made out.

Counsel for the State could not dispute the opinion of the

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doctor as noticed in the order of the Additional Sessions Judge, Karnal dated 13.07.2020.

After hearing the counsel for the parties and also considering the allegation and nomination of the petitioner in the present FIR on his disclosure statement in some other case, the present petition is allowed and the petitioner is directed to be released on interim bail till 02.11.2020 subject to the conditions envisaged under Section 438(2) Cr.P.C., and on furnishing appropriate bail/surety bonds to the satisfaction of the trial Court.

The petitioner will surrender before the Jail Authorities along with a medical certificate regarding the treatment which he has undergone during the period of 03 months.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

31.07.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No